

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CHARLES POINDEXTER,)
Petitioner)
)
vs.) Civil Action No. 08-172
) Judge Terrence F. McVerry/
COMMONWEALTH OF PA; MR. TOM) Magistrate Judge Amy Reynolds Hay
CORBETT, The Attorney General of the)
State of Pennsylvania,)
Respondents)

ORDER

AND NOW, this 29th day of July, 2009, after the Petitioner, Charles Poindexter, filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties until June 30, 2009, to file written objections thereto, and upon consideration of the objections filed by Petitioner, which are without merit, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the petition filed pursuant to 28 U.S.C. Section 2254 is dismissed as time barred and/or as procedurally defaulted.

IT IS FURTHER ORDERED that a certificate of appealability is denied.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the parties desire to appeal from this Order they must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.

s/ Terrence F. McVerry
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

Charles Poindexter
CL-1936
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All Counsel of Record by electronic filing